

UNITED STATES DISTRICT COURT

Eastern District of New York

United States of America

- v -

Itzhak Hershko

Presiding Judge: **Joanna Seybert, Senior U.S.D.J.**Case No(s).: **16-cr-0573-JS-ARL**Date: **2/7/2022**

Time in Court: 45 mins.

MINUTE ENTRY FOR A CRIMINAL PROCEEDING**SEALED PROCEEDING: ☐ Yes ☒ No****I. APPEARANCES:**Defendant (# **1**): **Itzhak Hershko**☒ Present ☐ Not Present ☐ In Custody ☒ On Bond ☐ SurrenderedCounsel: **Stephen Scaring and Susan Carmen**☒ Retained ☐ Federal Defender ☐ CJA ☐

Defendant (#)::

☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

Counsel:

☐ Retained ☐ Federal Defender ☐ CJA ☐

Defendant (#)::

☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

Counsel:

☐ Retained ☐ Federal Defender ☐ CJA ☐

Defendant (#)::

☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

Counsel:

☐ Retained ☐ Federal Defender ☐ CJA ☐Government: **Christopher Caffarone**Court Reporter: **Mary Ann Steiger**

Pretrial/Probation:

FTR Time:

Interpreter:

Language:

Courtroom Deputy: **Eric L. Russo**☐ See Additional Appearances page.**II. PROCEEDINGS HELD:**☐ Arraignment☐ Evidentiary Hearing☐ Plea Hearing☐ Bond Hearing☐ Fatico Hearing☐ Preliminary Hearing☐ Curcio Hearing☐ Initial Appearance☒ Sentencing/Re-Sentencing☐ Detention Hearing☐ Motion Hearing/Oral Argument☐ Status/Pre-Trial Conference☐ Other:**III. PROCEEDINGS SUMMARY:**☒ The following proceedings were held regarding the charges in the Indictment filed 11/8/2016.☐ Arraignment held.☐ This was an initial appearance before this Court by defendant:☐ A Waiver of Indictment was filed by defendant:☐ The public reading of the charging instrument was waived by defendant:☐ The Court publicly read the charges outlined in the charging instrument.☐ A plea of not guilty was entered as to all counts of the charging instrument by defendant:☐ The right to a Preliminary Hearing was waived by defendant:☐ A Preliminary Hearing was not waived by defendant:☐ The Government was advised of its obligation under Rule 5(f) of the F.R.Cr.P. and the Due Process Protections Act.☐ Speedy Trial was waived from _____ by defendant:☐ Speedy Trial was not waived by defendant:☐ The Court ordered Speedy Trial waived from _____ as to defendant:

- ☐ Preliminary Hearing held.
- ☐ Witness(es) (☐ for the Government; ☐ for the defendant) called and sworn; testimony given.
 - ☐ Exhibits were entered into evidence.
 - ☐ The Court found that there is probable cause to believe that an offense had been committed by the defendant.
 - ☐ The Court found that there is no probable cause to believe that an offense had been committed by the defendant.
 - ☐ The charge(s) outlined in the charging instrument are dismissed and the defendant is discharged.
- ☐ Curcio Hearing held.
- ☐ The parties arguments were heard.
 - ☐ The defendant was informed of the potential dangers arising from any conflicts of interest.
 - ☐ The defendant understood and waived any potential conflicts of interest and wishes to proceed with current counsel.
 - ☐ The defendant wishes to relieve current counsel and retain new counsel or have new counsel appointed by the Court.
- ☐ Status/Pre-Trial Conference held.
- ☐ This was an initial appearance before this Court by defendant:
 - ☐ The parties advised the Court of the status of the case.
 - ☐ Speedy Trial was waived from _____ by defendant:
 - ☐ Speedy Trial was not waived by defendant:
 - ☐ The Court ordered Speedy Trial waived from _____ as to defendant:
 - ☐ The following briefing schedule was set:
 - ☐ _____ Motion(s) due by:
 - ☐ _____ Response(s) due by:
 - ☐ _____ Reply(ies) due by:
 - ☐ The parties were directed to file a proposed briefing schedule for court approval on or before:
 - ☐ The parties agreed to file fully briefed motion(s) on or before:
 - ☐ The Court respectively refers the motion(s) to Magistrate Judge _____ :
 - ☐ for purposes of submitting a Report and Recommendation for this Court's consideration.
 - ☐ to rule on the motion(s) in its entirety.
 - ☐ The Court deemed this case ready for trial.
 - ☐ The parties were directed to file their proposed *voir dire* by:
 - ☐ The parties were directed to file their proposed *request to charge* by:
- ☐ Motion Hearing/Oral Argument held.
- ☐ The parties arguments were heard.
 - ☐ Witness(es) (☐ for the Government; ☐ for the defendant) called and sworn; testimony given.
 - ☐ Exhibits were entered into evidence.
 - ☐ The motion was: ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.
 - ☐ The decision: ☐ was entered on the record; ☐ was reserved; ☐ will be entered on the docket.
- ☐ Evidentiary Hearing held.
- ☐ The parties arguments were heard.
 - ☐ Witness(es) (☐ for the Government; ☐ for the defendant) called and sworn; testimony given.
 - ☐ Exhibits were entered into evidence.
 - ☐ The decision: ☐ was entered on the record; ☐ was reserved; ☐ will be entered on the docket.
- ☐ Plea Hearing held.
- ☐ The defendant was informed of the constitutional rights being waived and the consequences of pleading guilty.
 - ☐ The defendant withdrew previously entered not guilty plea and entered a plea of guilty to count(s):
 - ☐ Court found that there is a factual basis for the plea and accepted the defendant's plea of guilty.
 - ☐ An Order of Forfeiture was executed.
 - ☐ The Conviction Notification Form was executed and sent to the US Probation Department.
 - ☐ The parties waived the preparation of the Presentence Investigation Report.

- ☐ Fatico Hearing held.
- ☐ The parties arguments were heard.
 - ☐ Witness(es) (☐ for the Government; ☐ for the defendant) called and sworn; testimony given.
 - ☐ Exhibits were entered into evidence.
 - ☐ The decision: ☐ was entered on the record; ☐ was reserved; ☐ will be entered on the docket.
 - ☐ Sentencing was held immediately following the hearing.
- ☒ Sentencing/Re-Sentencing held as to count(s): **One (1).**
- ☒ Statements were heard from ☒ defense counsel; ☒ the defendant; ☒ the Government; ☐ victim(s).
 - ☐ The defendant was sentenced to be imprisoned for a total term of:
 - ☐ Upon release, the defendant shall be on Supervised Release for a total term of:
 - ☐ The defendant shall comply with all standard conditions of supervision outlined in the judgment.
 - ☐ The defendant shall comply with the special conditions of supervision outlined on the record.
 - ☐ The Court did not impose a term of Supervised Release.
 - ☒ The defendant was sentenced to Probation for a total term of: **Three (3) years.**
 - ☒ The defendant shall comply with all standard conditions of supervision outlined in the judgment.
 - ☒ The defendant shall comply with the special conditions of supervision outlined on the record.
 - ☒ The defendant must pay the following criminal monetary penalties:
 - ☒ Restitution in the amount of: **\$ 558,612.63**
 - ☐ A fine in the amount of: **\$**
 - ☒ A Special Assessment fine in the amount of: **\$ 100.00**
 - ☐ The defendant must pay interest on the restitution and/or fine ordered of more than \$2,500.00.
 - ☐ The Court determined that the defendant does not have the ability to pay interest and it was ordered that:
 - ☐ the interest requirement is waived.
 - ☐ the interest requirement is modified as stated on the record.
 - ☐ Interest on any criminal monetary penalties was not ordered or not applicable.
 - ☐ Restitution:
 - ☐ was not ordered or not applicable.
 - ☐ was paid in full.
 - ☒ A fine:
 - ☒ was not ordered or not applicable.
 - ☐ was paid in full.
 - ☐ The Special Assessment fine:
 - ☐ was not ordered or not applicable.
 - ☐ was paid in full.
 - ☐ The determination of restitution and/or a fine was deferred pending further proceedings.
 - ☐ All other conditions shall remain in effect as outlined in the previous judgment(s) dated:
 - ☐ The Order of Forfeiture dated _____ was adopted as the Final Order of Forfeiture.
 - ☐ A Final Order of Forfeiture was executed.
 - ☒ The defendant:
 - ☐ was advised of, or will be advised of, any right to appeal by counsel.
 - ☒ has waived the right to appeal at the plea hearing.
 - ☒ All open counts in the charging instrument(s) were dismissed on the motion of the United States.

IV. RULINGS MADE REGARDING DEFENDANT RELEASE STATUS:

- ☐ Bond Hearing/Detention Hearing held.
 - ☐ A bond application was not presented to the Court by defendant:
 - ☐ An Order of Detention was executed, as to defendant:
 - ☐ An Order Scheduling a Detention Hearing was executed, as to defendant:
 - ☐ The bond application/modification was granted, as to defendant:
 - ☐ An Order Setting Conditions of Release and Bond was executed, as to defendant:
 - ☐ The conditions of release were modified, as stated on the record, as to defendant:
 - ☐ An amended Order Setting Conditions of Release and Bond was executed, as to defendant:
 - ☐ The bond application/modification was denied, as to defendant:
 - ☐ An Order of Detention was executed, as to defendant:
 - ☐ The Government moved for immediate detention of defendant:
 - ☐ The motion was: ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.
 - ☐ An Arrest Warrant was executed, as to defendant:
 - ☐ An Order of Detention was executed, as to defendant:
 - ☐ An amended Order Setting Conditions of Release and Bond was executed, as to defendant:
 - ☐ The decision regarding the bond or detention application was reserved.
 - ☐ An Arrest Warrant was executed, as to defendant:
 - ☐ An Order Scheduling a Detention Hearing was executed, as to defendant:
 - ☐ A temporary Order Setting Conditions of Release and Bond was executed, as to defendant:
- ☐ The following defendant(s) remain(s) in custody:
- ☐ A Medical Evaluation Order was executed as to defendant:
- ☐ The following defendant(s) remain(s) on bond:
- ☐ The defendant shall surrender for the service of the sentence before 2:00 PM on _____ at the institution designated by the Federal Bureau of Prisons. The defendant will remain on bond, under the supervision of Pretrial Services, until the surrender date. Motions to extend of this surrender date must be made at least a forty-five (45) days prior to the surrender date.
 - ☐ The US Marshals Voluntary Surrender form was executed.
- ☒ The defendant was directed to report to the US Probation Department. The defendant will remain on bond, under the supervision of the US Probation Department, with the conditions set forth during sentencing until the completion of the ordered term of Probation.
- ☐ The defendant, being sentenced to time served, shall be released forthwith, pending the appropriate release procedures by the US Marshals Service, Bureau of Prisons, and/or the facility in which the defendant resides.
 - ☐ A Time Served Order was executed and submitted to the US Marshals Service.
 - ☐ The defendant was directed to report to the US Probation Department. The defendant will be under the supervision of the US Probation Department, with the conditions set forth during sentencing until the completion of the ordered term of Supervised Release.

V. OTHER RULINGS MADE DURING THE PROCEEDINGS:

☐ The record of this proceeding was deemed sealed. Transcripts of this proceeding can be made available to the Court, the defendant, defense counsel, and the Government only.

☒ Other:

- Defendant's motion to travel, with consent of the Government, was granted. The defendant is allowed to travel to Israel to attend a family wedding from 2/20/2022, for approximately 10 days. The Pretrial Services Department/US Probation Department are directed to return the defendants passport(s) to him, forthwith. Within 7 days of returning to the United States, the defendant shall surrender his passport(s) to the US Probation Department.

VI. FURTHER PROCEEDINGS SET:

☒ No further conferences or hearings have been set at this time.

<input type="checkbox"/> Bond Hearing:	at	before Judge
<input type="checkbox"/> Curcio Hearing:	at	before Judge
<input type="checkbox"/> Detention Hearing:	at	before Judge
<input type="checkbox"/> Evidentiary Hearing:	at	before Judge
<input type="checkbox"/> Fatico Hearing:	at	before Judge
<input type="checkbox"/> Jury Selection:	at	before Judge
<input type="checkbox"/> Jury Trial:	at	before Judge
<input type="checkbox"/> Motion Hearing/Oral Argument:	at	before Judge
<input type="checkbox"/> Plea Hearing:	at	before Judge
<input type="checkbox"/> Preliminary Hearing:	at	before Judge
<input type="checkbox"/> Sentencing/Re-Sentencing:	at	before Judge
<input type="checkbox"/> Status/Pre-Trial Conference:	at	before Judge

☐ Other instructions regarding the proceedings set: